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C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 000107

SIPDIS

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SUBJECT: PROPOSED LAW THREATENS RELIGIOUS FREEDOM IN ARMENIA

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Classified By: CDA Joseph Pennington, reasons 1.4 (b,d)

1.(C) SUMMARY: Ruling coalition MPs have proposed a troubling draft law on religion. The bill proposes a ban on what it defines as proselytizing, and attempts to define Christian theology in law. Reactions to the bill from affected religious groups have been mixed from hysteria to wait-and-see. This bill heightens our concerns about the erosion of basic liberties in Armenia, even a year after the deeply flawed presidential elections, a sentiment we have been and will continue to press with interlocutors in both the GOAM and Parliament. The draft seems an initiative of parliamentary back-benchers, rather than the government, which make us more hopeful of derailing the measure. END SUMMARY.

THE PROPOSED LAW

¶2. (SBU) The National Assembly is slated to consider new legislation regulating religious organizations and practices at its regular session starting February 23. The architects of the bill are relatively junior chairman (Armen Ashotian, Republican) and deputy chairman (Naira Zohrabian, Prosperous Armenia) of the decidedly unprestigious Science, Education, Culture, Youth, and Sport Committee, as well as independent MP Victor Dallakian.

¶3. (SBU) The proposed Amendment to the Law on Religion includes several controversial measures. Chief among these is the definition and banning of proselytizing. The definition is so broad as to prohibit "the preaching interference with persons having or not having other religious or belief convictions in their apartment, working place, recreation or other places, as well as by phone conversation without their will or request." The amendment seeks to prohibit "activities of religious organizations making or trying to take control over the consciousness, thinking, personal life, awareness, health, property and behavior of the members during their activities" and to impose criminal punishments including fines and imprisonment for any proselytizer. The amendment justifies this by stating, "Expressions of freedom of conscience and religion may be limited...by the Law."

¶4. (SBU) Moreover, the draft raises the number of adherents of religious groups required for legal registration to 1000. Even if this number were to

be lowered to 500, this would present significant challenges to small religious groups such as the Baha'is, who only number a little more than the 200 now stated in law. The proposed amendment also seeks to define Christianity as the "worship (of) Jesus Christ as God and Savior and accept the Holy Trinity." Further discomfiting the Armenian constitution's church-state separation is another clause in the amendment that would allow the state to interfere into the affairs of the Church. Finally, the amendment seeks to treat all religious symbols as trademarked logos that cannot be used without legal consent.

REACTIONS SO FAR

15. (C) Reaction from various religious groups has been mixed. Rene Leonian, head of the Armenian Evangelical Church is incensed, stating "This law cannot be adapted. It will create an intolerant atmosphere for all religions." Levon Bardakjian, leader of the Evangelical Church of Yerevan, argued to DCM that the law would 8put me in jail for making a phone call on behalf of my church.8 Other groups, like the Russian Orthodox Church, agree. Fr. David Abrahamian, an Orthodox priest at Yerevan's Mother of God Church, told the Norwegian religious news service Forum 18, "This proposed law contains violations of all human rights." Nevertheless, the Jehovah's Witnesses, an often-derided group in Armenia, while conceding the bill "entices prejudice toward religious organizations," has taken a wait-and-see attitude,

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claiming, "Since they are only discussing it, we think there is no need of getting much concerned." The local branch of the Open Society Institute has circulated a scathing commentary of the draft legislation based on its own legal analysis.

15. (C) Foreign Press Secretary of the Mother See of Holy Ejmiatsin, Fr. Krtij Devejian, denied the Armenian Church is behind this proposed legislation. "The wording of the bill can be read to be against all religious organizations," he said, adding, "the Church would be just as affected." Devejian said that the Church would be submitting its own set of questions and objections on the draft legislation to the National Assembly. Three other informed sources independently assert that the head of the Armenian Church (the Catholicos) has quietly put the MPs up to submitting this draft.

WHERE DID THIS COME FROM?

16. (C) Samvel Nikoyan told us that the amendments to the Religion Law were the initiative of fellow Republican MP Armen Ashotian (with encouragement from Armenian Church leaders) and were not orchestrated from the "top." With this, Nikoyan said, the ambitious young Ashotian is simply trying to boost his own profile and brighten his public image with a populist play to an Armenian electorate which tends to see the Armenian Church as a pillar of Armenian national heritage and culture. Ashotian reportedly received rather positive media and public feedback following his first public comments on the amendments, which, according to Nikoyan, inspired him even more, but Ashotian had not counted on the negative reaction

of the international community.

17. (C) According to Nikoyan, Ashotian first approached the Republican faction and the Speaker, mentioning that he planned to draft amendments to the Religion Law that would strengthen and raise the significance of the Armenian Church. None of the MPs present had paid any close attention to the language in the draft until it was introduced into parliamentary debate. Nikoyan said he offered his personal criticism of the draft to Ashotian and mentioned that he would speak against it when the bill reached the floor. Nikoyan's said he told Ashotian, "If we want to strengthen the Church we should reform it to make it more appealing to people in contemporary society," rather than suppressing other religions.

18. (C) Nikoyan said that apart from Ashotian's theatrical purposes, the Armenian Church has reportedly given tacit agreement to Ashotian's plans, through his close personal ties with the Church and his reported efforts to coordinate with it. According to Nikoyan, the Catholicos met with Speaker Abrahamian recently, during which time he could have lobbied him for these amendments.

19. (C) We also consulted with Hranush Kharatian, formerly the director of National Minorities and Religious Issues (a small cabinet department that reports to the Prime Minister) until her 2007 resignation. Kharatian said that Ashotian and his parliament cronies have several times in past years attempted to re-write Armenian law to favor the Armenian Church at the expense of other faiths. She said previously she had always been able to nip these attempts in the bud by interceding with the late PM Andranik Markarian to put a stop to it. She said that her successor (and former deputy) in the position, Vartan Astsarian, has neither the personal inclination nor the political capital to make a similar stand. Astsarian has made brief, tepid comments to local media that the government did not draft the amendments, but is generally supportive of their goals, although has questions about the specifics.

WHAT WE HAVE BEEN DOING

110. (C) The Ambassador inquired about the issue at
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a February 10 meeting with Presidential Chief of Staff Vigen Sargsian. Seemingly taken off-guard, Sargsian pleaded ignorance to the bill, stating that the GOAM had not initiated such legislation. CDA Joseph Pennington and PolChief raised the issue more formally as an issue of concern during a February 18 office call with Deputy Foreign Minister Arman Kirakossian and MFA Americas Director Armen Yeganian, who undertook to follow up. We reached out more informally February 12 to David Harutunian, the Republican chairman of the powerful State and Legal Affairs committee and of Armenia's PACE delegation, who said he knew nothing of the bill, which had been introduced while he was in Strasbourg, but he promised to look into it. In our February 18 conversation with Samvel Nikoyan, Nikoyan promised to intercede with National Assembly Speaker Hovik Abrahamian, and was moderately optimistic he could persuade Abrahamian to kill the measure. PolChief also discussed the issue with resident Council of Europe Special Representative Sylvia Zehe and

British Ambassador Charles Lonsdale February 13,
mutually agreeing that each of our missions would
continue to follow and raise the issue.

COMMENT

¶11. (C) While this new draft is dismaying, we are
encouraged that none of the extensive range of
contacts we have consulted believe that the
government is behind this bill, but that it simply
is the work of some junior MPs trying to make a
name for themselves with a popular, nationalist
measure. This makes it more likely that we and
others in the international community can succeed
in persuading senior Armenian leaders that this
bit of nationalistic self-indulgence infringes on
Armenia's international obligations and represents
a new human rights headache they do not need.
PENNINGTON